

Notice of Allowability

Application No.

09/342,843

Examiner

Charles Chow

Applicant(s)

KNUUTILA ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/2006.
2. ☒ The allowed claim(s) is/are 1-19, 21-22, 24, 26-39, 41-50.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/2/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Detailed Action

1. This office action is for the Request for Continued Examination RCE & amendment received on 6/15/2006.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment has been given from attorney Peter Albert in a telephone interview on 8/3/2006.

Attorney has authorized examiner to amend **claim 42** as follows:

In the last line of claim 42, after "apparatus.", insert followings:

----wherein in one of the at least one monitored criterion comprises the number of bursts in a frame."-----.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 1-19, 21-22, 24, 26-39, 41-50 are allowable over the prior art of record, the prior art fails to teach singly, particularly, or in combination, having foreign priority date of 6/30/1998, and claims 19, 39, 42, 45, 48 were indicated to be allowable in the previous office action mailed on 2/10/2006.

The allowable features including the **selectively adjusting an output of transmitter indirect response to the at least one criterion associated with heat generated by the transmitter, and wherein one of the at least one monitored criterion for adjusting the output of the transmitter comprises the number of transmitted data burst in a frame** [claim 1];

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the method, system, the monitoring the number of burst, comparing the monitored number of data bursts with a predetermined limit, and changing the operation of the transmitter to **decrease the transmission power level if the monitored number falls outside the predetermined limit** [claim 11, 31];

the monitoring a transmission power level of the communication apparatus; and comparing the monitored transmission power level with a predetermined limit and changing the maximum allowed transmission power level in response to the monitored transmission power level; and

wherein the monitored transmission power level is compared with a predetermined power transmission level and **if the transmission power level is above said predetermined power transmission level then the maximum allowed output transmission power level is decreased by changing a power classmark** of the portable radio communication apparatus [claims 19, 39];

the adjusting means for **selectively adjusting the output of the transmitter** in direct response to the **at least one criterion associated with heat generated by the transmitter**, wherein one of the at least one monitored criterion comprises the number of transmitted data bursts in a frame, **wherein if the monitored criterion exceeds a predetermined limit then a power output of the transmitter is decreased** [claim 21];

the monitoring means for monitoring at least one criterion associated with the heat generated by the transmitter,

the **selectively adjusting the output of the transmitter** in direct response to the at least one criterion associated with the heat generated by the transmitter to decrease the transmission power level, **wherein one of the at least one monitored criterion comprises the number of transmitted data bursts in a frame** [claim 41];

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the monitoring at least one criterion at least one criterion associated with the heat generated by the transmitter, the apparatus sending a power classmark change request to the radio communication network responsive to the monitored criterion, and

the radio communication network accordingly changing the power classmark of the portable radio communication apparatus [claim 42].

The dependent claims are also allowable due to their dependency upon the independent claims and the having additional claimed features.

The closest patent to **Peterson (US 6,072,788)** teaches the changing of the transmission power level for different burst period [col. 4, lines 61-67; col. 8, line 59 to col. 9, line 27; col. 9, lines 42-59]; the independent transmitting output power level adjust for the 2 burst period, for the 3 burst period [col. 12, lines 13-24], but fails to teach the changing of the transmitter output power is based on the monitored number of bursts, associated with the heat generated by the transmitter.

Gilbert et al. (US 5,519,886) teaches the controlling the monitoring of the temperature of transmitter 242 via temperature sensor 246 [abstract, Fig. 2; col. 2, lines 50-54], to change the transmission parameter [col. 4, lines 27-39]; to reduce the transmitting packet or delay the transmission [col. 4, lines 40-47], but fails to teach the changing of the transmitter output power is based on the monitored number of bursts.

Nelson et al. (US 6,954,622 B2) has a later filing date of 1/29/2002, teaching the number of bursts is below a predetermined value then using a previous transmission power control value; if number of bursts is above the predetermined value then selecting at least one transmission power control value from an alternate memory field [col. 6, line 65 to col. 7, line 15].

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Other prior arts in below has been considered, but they fail to teach the above claimed features.

Nagoya et al. (US 5,854,971) teaches Nagoya teaches the burst monitor circuit 9 [Fig. 1] for generating burst timing for synchronization & a control signal for hold circuit 10 [col. 5, lines 58-67; col. 7, lines 20-35], but fails to teach the monitoring of the number of transmitted data bursts for adjusting of the transmitting power, associated with the heat generated by the transmitter.

Mitzlaff (US 4,636,741) teaches the multilevel power amplifying circuit for portable transceiver [abstract], the detecting of the presence of vehicular adaptor, the maximum transmission output level of the transmitter is changed [abstract, Fig. 11, Fig. 13, summary of invention; col. 9, line 1-17; col. 8, line 51 to col. 9, line 45].

Funk (US 6,169,884 B1) teaches the monitoring the temperature of the mobile radio device, if the temperature exceeds a threshold then transmission power is reduced [abstract].

Mazur et al. (US 6,072,792) teaches the monitoring of the transmitter power output level for controlling output power of the base station [abstract, col. 1, lines 1 1-17], the controlling of the downlink power for each time slot [col. 3, line 42-26].

Other prior arts are also considered. They are **Marchetto et al. (US 5,914,959)**, **Ariyavisitakul et al. (US 5,333,175)**, **Miyake (US 5,732,334)**, **Wilson (US 5,287,555)**, **McCallum et al. (US 4,939,786)**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

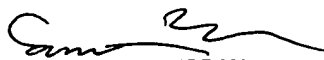
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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow 

July 6, 2006.


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